



GP1616

Atty. Dkt. No. VPHAR1460-2
(ABI1460-2/071243-1301)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Desai et al.

Title: NOVEL FORMULATIONS OF
PHARMACOLOGICAL AGENTS,
METHODS FOR THE
PREPARATION THEREOF AND
METHODS FOR THE USE
THEREOF

Appl. No.: 09/446,783

Filing Date: 05/16/2000

Examiner: R. DeWitty

Art Unit: 1616

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on the date below.	
<i>Stephen E. Reiter</i>	
(Printed Name)	
(Signature)	
<i>February 3, 2003</i>	
(Date of Deposit)	

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AMENDMENT TRANSMITTAL

Commissioner for Patents
Washington, D.C. 20231

Sir:

Transmitted herewith is an amendment in the above-identified application.

- Small Entity status under 37 C.F.R. § 1.9 and § 1.27 has been established by a Small Entity statement previously submitted.
- A Petition for Extension of Time is enclosed.
- A Terminal Disclaimer is enclosed.
- The fee required for additional claims is calculated below:

	Claims as Amended	Previously Paid For	Extra Claims Present	Rate	Additional Claims Fee
Total Claims:	81	65	= 16	x \$18.00	= \$288.00
Independents:	19	18	= 1	x \$84.00	= \$84.00
First presentation of any Multiple Dependent Claims:				+ \$280.00	= \$0.00
CLAIMS FEE TOTAL:					= \$372.00

[X] Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

<input checked="" type="checkbox"/>	Extension for response filed within the first month:	\$110.00	\$110.00
<input type="checkbox"/>	Extension for response filed within the second month:	\$410.00	\$0.00
<input type="checkbox"/>	Extension for response filed within the third month:	\$930.00	\$0.00
<input type="checkbox"/>	Extension for response filed within the fourth month:	\$1,450.00	\$0.00
<input type="checkbox"/>	Extension for response filed within the fifth month:	\$1,970.00	\$0.00
	EXTENSION FEE TOTAL:		\$110.00
	CLAIMS AND EXTENSION FEE TOTAL:		\$482.00
<input type="checkbox"/>	FEE FOR TERMINAL DISCLAIMER		\$110.00
	TOTAL FEE:		\$592.00

[X] Please charge Deposit Account No. 50-0872 in the amount of \$592.00. A duplicate copy of this transmittal is enclosed.

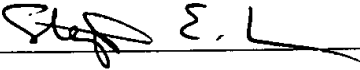
[] A check in the amount of \$ _____ is enclosed.

[X] The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date: February 3, 2003

By 

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Stephen E. Reiter
Attorney for Applicant
Registration No. 31,192



TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A PRIOR PATENT

Docket No. VPHAR1460-2
(ABI1460-2/071243-1301)

In the application of:

Serial No.: Desai and Soon-Shiong

Filed: 09/446,783

For: May 16, 2000

NOVEL FORMULATIONS OF PHARMACOLOGICAL AGENTS, METHODS FOR THE PREPARATION THEREOF AND METHODS FOR THE USE THEREOF

The owner, of 100% percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173 as shortened by any terminal disclaimer of prior U.S. Patent No. 6,096,331. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successor or assigns.

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In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that the prior patent expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to grant.

Check either box 1 or 2 below, if appropriate.

- 1. For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

- 2. The undersigned is attorney or agent of record.

Dated: February 3, 2003

By:
Stephen E. Reiter
Registration No.: 31,192

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- Terminal disclaimer fee of \$110.00 under 37 C.F.R. § 1.20(d) is attached.
- Please charge the terminal disclaimer fee of \$110.00 to Deposit Account 50-0872.
- PTO suggested wording for Terminal Disclaimer was:
 - unchanged
 - changed (explanation on attached sheet).

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